

REMARKS

Claims 1-28, 30-32, and 39-41 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 1, 4, 10, 14, 16, 22, 24, 30, and 39 have been rewritten to further clarify the embodiments of the present invention recited therein. Various dependent claims have been rewritten or canceled to maintain consistency with the language now recited in the independent claims. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

THE REJECTIONS UNDER 35 U.S.C. § 102

Sullivan '336 Does Not Disclose or Suggest the Present Invention

Claims 4, 24, 26, and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,100,336 to Sullivan *et al.* for the reasons stated on pages 2-3 of the Office Action. Sullivan '336 does not disclose or even suggest the present invention for the reasons that follow.

As previously discussed, Sullivan '336 only suggests that an interpenetrating polymer network (IPN) *might* be formed by reacting (neutralizing) the acid copolymer in the presence of EEA / EMA. Col. 27, lines 16-19. Sullivan '336 does not teach the mechanism behind the formation of such an IPN, nor does Sullivan '336 even suggest a non-ionic IPN.

In contrast, independent claim 4 recites only non-ionic materials for inclusion in the IPN and independent claim 24 expressly features a non-ionic IPN that is non-ionic in nature.

As such, Applicants respectfully submit that Sullivan '336 does not disclose or suggest the invention presently recited in claims 4, 24, 26, and 28. Thus, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection based thereon.

Sullivan '847 Does Not Anticipate or Render Obvious the Present Invention

Claims 1, 3, 4, 22-24, and 26-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,743,847 to Sullivan *et al.* for the reasons stated on pages 3-4

of the Office Action. Sullivan '847 does not disclose or even suggest the present invention for the reasons that follow.

Sullivan '336 and Sullivan '847 have the identical disclosure with respect to IPNs. In fact, the brief mention of an IPN in Column 43 of Sullivan '847 is an exact duplicate of that in Sullivan '336. As such, the discussion above with regard to claims 4, 24, 26, and 28 also apply here. In addition, because claim 27 depends from claim 24, Applicants respectfully submit that it is not anticipated or rendered obvious by Sullivan '847 at least by virtue of its dependency from claim 24.

With regard to independent claims 1 and 22, these claims have been rewritten to clarify the non-ionomeric nature of the IPNs featured therein. For example, claim 1 includes "consisting essentially of" language that would preclude any components that would materially change the IPN. Ionomeric materials, such as those disclosed by Sullivan '847, would materially change an IPN formed from non-ionomeric materials, such as the IPN featured in claim 1. Likewise, claim 22 has been rewritten to clarify that the IPN featured therein is non-ionomeric in nature. As such, the suggestion in Sullivan '847 to form an IPN from ionomeric materials would not anticipate the invention presently recited in claim 22.

In light of the discussion above, Applicants respectfully submit that the § 102 rejection based on Sullivan '847 is overcome. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection.

THE REJECTIONS UNDER 35 U.S.C. § 103

Sullivan '847 Does Not Render Obvious Claims 2 and 18-21

Claims 2 and 18-21 were rejected under 35 U.S.C. § 103(a) as being obvious over Sullivan '847 for the reasons provided on pages 4-5 of the Office Action. Because these claims depend from claim 1, Applicants respectfully submit that these claims are patentable at least by virtue of their dependency from claim 1. As such, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection.

The Combinations of Renard and Lee and Renard and Tomko Do Not Render Obvious the Present Invention

The Examiner rejected claims 4, 10-17, 24-25, 28-30, 32-33, 39, and 41-42 under § 103(a) as being obvious over U.S. Patent No. 5,989,136 to Renard *et al.* in view of U.S. Patent No. 4,569,964 to Lee *et al.* as set forth on pages 5-8 of the Office Action. In addition,

claims 1-2, 4, 8, 9-28, 30-32, and 39-41 were rejected under 35 U.S.C. § 103(a) as being obvious over Renard in view of U.S. Patent No. 6,022,925 to Tomko *et al* as provided on pages 8-11. The cited combinations do not disclose or even suggest the present invention for the reasons that follow.

Renard generally discloses a solid golf ball that has an intermediate layer made of latex that is applied by dipping. *See, e.g.*, Col. 3, lines 56-63. In contrast to the present invention, however, Renard is completely silent as to an IPN in any layer of a golf ball. In an attempt to remedy this deficiency, the Examiner has cited Lee for its disclosure of a latex material having an interpenetrating polymer network and Tomko for its disclosure of a latex that is a partial IPN. Office Action at Pages 5 and 8. Neither secondary reference is properly combinable with Renard. In addition, even if combined, the Renard / Lee and Renard / Tomko combinations do not result in the presently claimed invention.

With respect to the Renard / Lee combination, a skilled artisan would have had no motivation to combine the two references based on the non-analogous subject matter. In fact, Lee is not directed to golf balls, but is instead directed to IPN latexes for paper coatings, carpet backsizing, composite papers, fabric coatings, nonwoven materials, foil scrim kraft laminates, and cement applications. Col. 2, lines 48-54. There is not even a suggestion to use the IPN latexes taught therein to form a golf ball layer. As such, any motivation to combine Renard and Lee comes from the claims of the instant application, which is, of course a classic case of impermissible hindsight.

Likewise, a skilled artisan would not have been motivated to combine Renard and Tomko. Similar to the Lee reference, Tomko is not directed to IPNs in golf balls, or even golf balls in general, but is instead directed to coating compositions that include partial interpenetrating polymer networks ("PIPN"). Tomko does not even suggest the use of its PIPNs in structural layers of a golf balls. Thus, the only motivation to combine Renard and Tomko involves improper hindsight reasoning.

And, even if Renard and Tomko were combined, the result would not be the presently recited invention. In fact, while the Examiner assumes that Tomko teaches a type of IPN from the language used in the disclosure, the "PIPN" disclosed by Tomko is merely a conventional polyurethane composition. For example, the partially prepared polymer in Tomko is actually a conventional polyurethane prepolymer and, once the prepolymer is dispersed in the waterborne polymer component, the hydrogen attacks the excess isocyanate

in the prepolymer to form a fully cured polyurethane coating composition. Col. 2, lines 58-61.

In other words, the PIPN disclosed by Tomko is neither a full or true IPN as presently claimed in independent claims 1, 4, 10, 14, 16, 22, 24, 30, and 39 nor a semi-IPN as recited in independent claim 8. A full IPN, as defined in the Written Description, involves two or more polymers that are polymerized simultaneously such that the reactions of the two polymer networks do not substantially interfere with each other. Written Description at Page 10, lines 8-12. A semi-IPN involves one polymer that is crosslinked to form a network while another polymer is not. Written Description at Page 10, lines 1-7. Neither type of IPN is taught in the Tomko disclosure.

Although there is no basis to combine Renard with Lee or Tomko for the reasons discussed above, Applicants are interested in expediting allowance of the claims. As such, claims 4, 10, 14, 16, 24, 30, and 39 have been rewritten to recite a select group of materials for use in the IPN. Based on these amendments, even if the references were properly combinable, *arguendo*, the result would not be the present invention. For instance, Renard teaches a limited number of materials to use in the intermediate latex layer, none of which overlap with the materials presently recited. Col. 3, lines 59-63.

DOUBLE PATENTING REJECTION

The Examiner rejected claims 24, 25, and 39 under the judicially created doctrine of obviousness-type double patenting based on claims 1 and 15 of U.S. Patent No. 6,827,657 to Sullivan. Applicants respectfully submit that this rejection is moot at least because of the claim amendments. In addition, however, it appears that the basis for an obviousness-type double patenting rejection is not met here, *i.e.*, to preclude an unjustified extension of rights granted in the '657 patent, especially in light of the later filing date of the '657 patent.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response two months to and including February 27, 2006 (since the February 26, 2006 due

date falls on a Sunday). No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin LLP Deposit Account No. 195127, Order No. 20002.0041.

Respectfully submitted,
SWIDLER BERLIN LLP

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